

1 **NICK MAZANEC**

2 Special Deputy Richland County Attorney
3 Special Assistant Attorney General
4 Office of the Commissioner of Securities and
5 Insurance, Montana State Auditor (CSI)
6 840 Helena Ave
7 Helena, Montana 59601
8 (406) 444-2040

9 Attorney for the State of Montana

10 **MONTANA SEVENTH JUDICIAL DISTRICT COURT, RICHLAND COUNTY**

11 STATE OF MONTANA,)

12 Plaintiff,)

13 vs.)

14 DOUGLAS LAWRENCE BROWN,)

15 Defendant.)

Cause No.: DC-13-64

**MOTION AND AFFIDAVIT FOR
ORDER GRANTING LEAVE TO FILE
INFORMATION DIRECTLY IN
DISTRICT COURT**

16 STATE OF MONTANA)

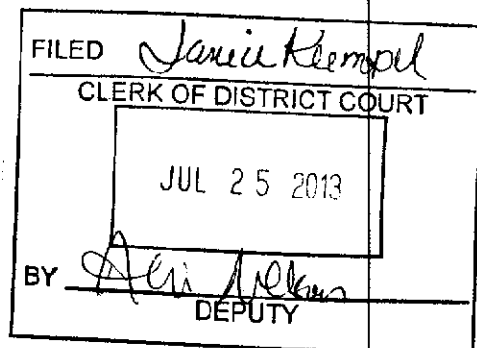
:ss.

17 County of Lewis and Clark)

18 Nick Mazanec, being first duly sworn, upon his oath, deposes and states:

19 1. I am a Special Assistant Attorney General by virtue of my employment with the
20 Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI). I am
21 also a duly appointed, qualified, and acting Special Deputy County Attorney in and for the
22 county of Richland, state of Montana. Acting in this capacity, I am familiar with the
23 investigation relating to DOUGLAS LAWRENCE BROWN (Defendant).

24 2. I request that the Court determine probable cause exists to allow the State to file
25 an Information directly in District Court, pursuant to Mont. Code Ann. § 46-11-201, alleging
the Defendant committed an offense in Richland County based upon information set forth



1 herein that was developed through an investigation conducted by a criminal justice
2 investigator. More specifically, the Information alleges the Defendant committed the following
3 offense: COUNT I: THEFT BY INSURANCE FRAUD, a FELONY, in violation of Mont.
4 Code Ann. §§ 33-1-1202(1), 33-1-1211(2), and 45-6-301(6)(a).

5 3. A criminal justice investigator has made a full and careful investigation of all
6 the facts and circumstances surrounding the commission of said offense, so far as they are
7 known or ascertainable, and your Affiant believes it is a proper case for the filing of the
8 Information that accompanies this affidavit.

9 4. The facts establishing probable cause are as follows:

10 On April 18, 2012, the Defendant's pickup truck was discovered in a damaged
11 condition at Richland Park in Richland County, Montana. Later that day, the Defendant
12 contacted the Sidney Police Department and advised officials that his vehicle had been stolen
13 from his residence in Sidney, Montana.

14 The same day, Heather Burke contacted the Sidney Police Department. Burke stated
15 that she and others had been riding with the Defendant in his truck on the night of April 17,
16 2012. According to Burke, the Defendant himself wrecked the vehicle at Richland Park. An
17 officer subsequently contacted Amanda Fitzgerald, another passenger. Fitzgerald confirmed
18 Burke's version of events. As a result of its investigation, on April 18, 2012, the Sidney Police
19 Department charged the Defendant with reckless driving and obstructing a police officer.

20 The Defendant's vehicle was insured through National Farmers Union Property and
21 Casualty Company (National Farmers Union), a subsidiary of QBE Regional Insurance
22 Company (QBE). On April 18, 2012, the Defendant notified National Farmers Union that his
23 truck had been stolen and found in a damaged condition. On April 19, 2012, the Defendant
24 visited the office of Cathy Hintz, his insurance agent. He completed, signed, and notarized an
25 Affidavit of Vehicle Theft. On May 2, 2012, National Farmers Union paid the Defendant

1 \$3,394.23, and paid off the Defendant's auto loan with First Interstate Bank in the amount of
2 \$9,250.77.

3 In May of 2012, Hintz read in the Sidney Herald newspaper that the Defendant had
4 been charged with a crime or crimes on April 18, 2012, the same day he reported his vehicle as
5 stolen. She informed QBE/National Farmers Union, which conducted an investigation. A
6 QBE investigator interviewed Fitzgerald, who reiterated the information she had previously
7 provided to the police. Fitzgerald noted that the Defendant had been drinking prior to the
8 accident and had wrecked his truck after taking a corner at an excessive rate of speed.
9 Fitzgerald said Brown advised his passengers not to tell anyone about the incident. The group
10 had left the vehicle in the park because it was too badly damaged to move following the
11 accident. An investigator also contacted the Defendant, who again claimed that the vehicle had
12 been stolen and that he had not been driving the night of the accident. As a result of its
13 investigation, QBE/National Farmers Union referred the case to the CSI.

14 The CSI conducted an additional investigation. On July 24, 2012, CSI investigator
15 John Forsman interviewed the Defendant. During the interview, the Defendant admitted that
16 on the night of April 17, 2012, he was driving his truck and wrecked it. He also admitted he
17 told the Sidney Police Department that the vehicle was stolen. However, the Defendant
18 claimed he told Hintz from the outset that he had wrecked his vehicle.

19 WHEREFORE, the undersigned moves the Court for an Order granting leave to file an
20 Information directly in District Court.

21
22 DATED this 23^d day of July, 2013.

23
24 By: 

25 NICK MAZANEC
Special Deputy Richland County Attorney
Special Assistant Attorney General

1 SUBSCRIBED and SWORN to before me by Nick Mazanec this 23rd day of
2 July, 2013.

3
4 

